

City of Taylorsville
Planning Commission Meeting Minutes
December 11, 2012
Pre-meeting – 6:30 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Garl Fink, Chair
Anna Barbieri, Vice Chair
Ted Jensen
Dale Kehl
Dan Fazzini, Jr.
Israel Grossman
Curt Cochran (Alternate)
Excused: Steven Fauschou

Community Development Staff

Mark McGrath – Director/Community Development
Michael Meldrum – Principal Planner
Jean Gallegos – Admin Asst/Recorder
Excused: Dan Udall – City Planner

PUBLIC: John Kasanga, Wayne Moffat, Bruce Powell, Doug Shupe,

WELCOME: Commissioner Fink assumed duties as Chair, welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m.

CONSENT AGENDA

Agenda/File #	Application	Applicants	Action
1.	Review/Approval of Minutes for November 13, 2012.		Approved as presented.

MOTION: Commissioner Jensen - I move for approval of the consent agenda as presented.

SECOND: Commissioner Barbieri

VOTE: All in favor.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Fauschou	Excused	Fink	Chair	Grossman	AYE
Kehl	AYE	Jensen	AYE	Cochran	AYE
Fazzini	AYE	Barbieri	AYE		
Motion passes 6 to 0					

HOME OCCUPATION

2. 14H12	<u>Chantal Tomene – 851 West Rockhill Place</u> – Child Day Care (Michael Meldrum/Principal Planner)
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7:07:38

- 2.1 **Mr. Meldrum** presented this item. The applicant is requesting approval for a Home Occupation for the purpose of child care and proposes to provide such care for up to 12 children. City Ordinance 13A-11-04 allows hours of operation to be between 6:00 a.m. and 8:00 p.m. The applicant's proposed days and hours of operation are Monday through Friday from 7:30 a.m. to 4:30 p.m. This application was originally submitted as an Administrative Conditional Use permit but due to the number and type of comments received by Staff, this item has been scheduled as a public hearing. Staff received the following comments/concerns by e-mail and phone calls from concerned neighbors:

- 2.1.1 Additional traffic volume/congestion.
- 2.1.2 No fence separating the front and rear yards.
- 2.1.3 Mold in the basement.
- 2.1.4 Opposition to strangers in the area.
- 2.1.5 Noise.
- 2.1.6 Water pressure in the home is insufficient.
- 2.1.7 Leaking plumbing.
- 2.1.8 Liability (children coming onto neighboring properties and getting hurt).

The applicant has informed Staff that they have a van which they will utilize to pick up and drop off the children. Due to this arrangement, there should be minimal additional traffic.

All Class D home occupation requirements are specified in Section 13A-11-04 of the Zoning Ordinance. The perimeter of the rear yard and side yards are fenced, however, there is no fence separating the front and rear yards. The applicant does not currently comply with the fencing requirement which stipulates: "The outdoor play area shall be secured by an appropriate, well-maintained fence not less than six feet (6') in height. The Director may require a

fence that exceeds six feet (6') in height if determined to be necessary." Staff has spoken with the property owner and found that there was substantial water damage in the basement from a ground water source. The property owner obtained building permits to repair the damage and address the water issue. The property owner indicates that there is not currently a problem with water leakage in the home.

2.2 **Findings of Fact:**

- 2.2.1 The home occupation is allowed as a conditional use in the R-1-10 zone.
- 2.2.2 The home occupation complies with the hours of operation as identified in Section 13A-11-04.
- 2.2.3 There is no fence separating the front and rear yards.
- 2.2.4 The home occupation will have up to twelve (12) children.

2.3 **Staff Recommendation:**

- 2.3.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 2.3.2 The Conditional Use Permit home occupation is subject to review upon substantiated and unresolved complaint(s).
- 2.3.3 Fencing to separate the front and rear yards must be six feet in height and maintained in good condition.
- 2.3.4 If a sign is desired by the applicant a maximum 3-square foot sign attached to the single-family home is allowed.
- 2.3.5 That adequate parking is provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
- 2.3.6 That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
- 2.3.7 That the applicant lives in the existing home.
- 2.3.8 Adequate outdoor lighting must be provided.
- 2.3.9 No additional Class D home occupation business licenses are allowed at this address while this business is in operation.
- 2.3.10 Hours of operation are limited from 7:00 a.m. to 5:30 p.m., Monday through Friday.
- 2.3.11 That staffing requirements are maintained as required by Utah Health Department.

DISCUSSION: Commissioner Kehl asked what the date of the building permit was. Mr. Meldrum said that he believed it was in 2009. He added that he received an e-mail from a neighbor wherein they addressed issues with which they had concern such as: mold, hot tub in back yard, number of individuals living in the home and general unacceptable sanitary conditions in the home and yard to start a day care.

- 2.4 **APPLICANT ADDRESS:** The applicant's son, John Kasanga (4248 S. Atherton Drive), addressed the Commission. He said that his mother has gone through all necessary background checks to do this occupation and passed all of them. He said that his mother is limited in her choice of occupations and found day care to work well for her. That his mother has obtained her license through the State of Utah in October 2012 and received a temporary license from the City of Taylorsville. Commissioner Fink asked him if they had read all of Staff's recommendations and received an affirmative answer. Commissioner Fink asked the applicant to address the fence issue and received confirmation that they have now installed a 6' high fence and concerning the hot tub, they are aware that there must be a locked type enclosure surrounding it before they can get any type of day care license. With regard to the congestion anticipated, they have purchased a van with which they intend to transport the children in and out of the neighborhood, cutting down on a considerable amount of traffic. 7:24:37

- 2.5 **DISCUSSION:** None

- 2.6 **SPEAKING:** Wayne Moffat. Mr. Moffat lives one street away from this residence and has done so for 13 years. He had moved from Salt Lake City due to an inundation of day care centers in the neighborhood there. That they had wanted to retire in the Salt Lake City home but decided to move into the Taylorsville area, thinking it would be nice. He advised that he has several issues concerning this residence. About four years ago the home was built over a spring and flooded so severely that the structure was condemned because it was shifting and suffered structural damage. They tried to repair the underground water by running it into the gutter and on to the storm drain system for about eight months. That action has damaged the gutter, the T-intersection, etc., to where it is coming apart. Mr. Moffat said he has talked to several people from the City regarding the situation and no one there seems to want to do anything. He did not feel this to be a home conducive to having a day care center being put into it and was definitely opposed.

- 2.7 **DISCUSSION:** 7:39:17 Commissioner Kehl felt it might be interesting to have the back-up information about what did happen and to see how they rectified the water issue and make sure it is discharged properly. Commissioner Fazzini offered that they may have installed a French drain there. Commissioner Fink asked Staff to have the City Engineer take a look at this and see what exactly transpired. Something apparently has been done to rectify the water issue to make sure the water is discharged properly. Commissioner Fazzini offered that they may have installed a French drain at this particular site. Commissioner Fink again asked Staff to contact the City Engineer to see exactly what transpired. Commissioner Fazzini advised that in order to gain an occupancy permit there had to have been some type of proof offered. Commissioner Kehl said while what happened would be nice to know, the Commission tonight must just address the issues over which they have jurisdiction. 7:42:49.

- 2.8 **MOTION:** Commissioner Kehl – I move for approval of File #14H12 based on recommendations by Staff, adding that the City Engineer review the other issues which were discussed this evening. 7:43:30 Commissioner Barbieri – I would like to have the City Engineer look at the gutter and determine what type of damage has occurred there. This would be a recommendation for the City rather than the applicant. **SECOND:** Commissioner Barbieri

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	Excused	Fink	Chair	Grossman	AYE
Kehl	AYE	Jensen	AYE	Cochran	AYE
Fazzini	AYE	Barbieri	AYE		
Motion passes 6 to 0					

CONDITONAL USE

3. 39C12 – **Bruce Powell – Pappy's Motor Home Rentals, Inc., 6868 South Redwood Road** – Recreational Vehicles, Rental, Service, Parts and Accessories. (Michael Meldrum/Principal Planner) **7:44:51**

3.1 **Mr. Meldrum** presented this item. Bruce Powell has filed an application requesting approval for a Non-Administrative Conditional Use Permit for property at 6068 S Redwood Road. This property is owned by Robert W. and Jeffrey L. Swain and was formerly home to a John Deere facility which vacated the property approximately 2 ½ years ago. The property is currently zoned PO (Professional Office) which was established by the City Council on July 11, 2012. Previously the property was in a C-2 (Community Commercial) zoning district. For several years, the property has been designated on the City's General Plan Map as Professional Office. With the adoption of the Land Development Code on July 11, 2012, the City Council also adopted a new Zoning Map which now complements the General Plan. The Planning Commission forwarded a unanimous recommendation for approval to the City Council for both the General Plan Map amendment and the Zoning Map amendment. The City Council will hear those items at their December 19, 2012 meeting.

- The applicant proposes to use two of the three buildings located on the subject property for RV rental, service, parts and accessories and sales. The two buildings contain 14,950 square feet. Phase one of the project contains 67,792 square feet (1.56 acres). Phase 2 shows 80,453 square feet (1.85 acres of property as a future phase. This portion of the property is not included on with this application. A separate application and review are required prior to the use of this property by the applicant. The applicant proposes a total of nine parking stalls, one of which is handicap accessible. The accessible stall is located adjacent to the entry to the main building (south side). The regular stalls must meet the required dimensions of 9 feet in width by 18 feet in depth.
- The landscaping along the Redwood Road frontage is required to be a minimum of 15 feet as is shown on the site plan drawing. This area and approximately an additional 30 feet are currently covered with gravel. Areas that will be used for vehicular parking or display must be paved with either asphalt or concrete, regardless of where they are locating on the site. There is an existing 5'foot landscaped area in front of the building that is not currently maintained. This area must be re-landscaped. The applicant also proposes a 5'foot landscape buffer on the south property line. The use of drought colorant, low water usage plants and shrubs is highly encouraged for all landscape areas.
- The parking area is not in good shape currently. There are cracks and pot holes throughout the parking area. The City Engineer recommends that the parking lot be repaired to adequately handle the storm drain run off.
- Staff is concerned with the ingress/egress to the site. The main access to the property is from Redwood Road. Making a left hand turning movement into or out of the property may pose a potential hazard and be unsafe. Staff has spoken with the applicant and the City Engineer regarding this concern. The City Engineer has stated that the applicant will need to work with UDOT regarding the access to this property since Redwood Road is a State maintained road.
- Along the frontage of Redwood Road there is an existing wrought-iron style fence. With the exception of the southernmost 58 feet, the fence is in good condition. That 58 foot section of fence is chain link and does not match the existing fencing. Staff has spoken with the applicant about replacing this section of chain link fence with a wrought-iron style fence that matches with the rest of the existing fencing along the Redwood Road frontage. A wooden fence runs along the south side of the property and is in pretty good shape. There are some places where a board is missing. Staff recommends that where this is the case, that the applicant replaces or make repairs as necessary.
- The existing buildings do not comply with the City's Design Standards. The paint on the exterior of the building is peeling in many locations. Staff recommends that the exterior of the building be painted as a requirement of approval. Any signage proposed on the property will be required to comply with currently adopted standards for signage.

3.2 Findings of Fact:

- 3.2.1 The applicant is requesting approval for a Non-Administrative Conditional Use Permit.
- 3.2.2 The subject property contains 4.29 acres.
- 3.2.3 The City Council will hear the request for a General Land Use Plan Map amendment and Zone Change on their December 19, 2012 meeting.
- 3.2.4 The main access to the property is from Redwood Road.
- 3.2.5 The main access to the property is from Redwood Road.
- 3.2.6 There is fencing surrounding the subject property.
- 3.2.7 A 58 foot section of the wrought-iron style fencing is missing (Redwood Road frontage).
- 3.2.8 There is an access gate on the north side of the subject property.
- 3.2.9 There is an access to a private lane to the west of the subject property.
- 3.2.10 The paint on the exterior of the building is peeling in many locations.

3.3 **Staff Recommendation:** That the Planning Commission grants preliminary Non-Administrative Conditional Use Permit approval for File 39C12 with the following conditions:

- 3.3.1 All areas for display or parking of vehicles must be paved with asphalt or concrete.
- 3.3.2 A separate application and review are required prior to the use of the property shown as Phase 2.

- 3.3.3 The access on the west side of the property must be permanently closed.
- 3.3.4 Replace the wrought-iron style fence that is missing along Redwood Road.
- 3.3.5 Parking stalls must be striped.
- 3.3.6 Repairs done to the parking lot to adequately handle storm drain run off.
- 3.3.7 Provide a minimum of one handicap accessible parking stall.
- 3.3.8 Comply with the requirements of all reviewing agencies.
- 3.3.9 The exterior of the building must be painted.
- 3.3.10 Staff is authorized to conduct the Final Non-Administrative Conditional Use Permit review.
- 3.3.11 [Added by Motion] That this would be contingent upon City Council approval of the zone change and the land use amendment.
- 3.3.12 [Added by Motion] To first landscape the first 15' from the property line backward according to the ordinance.
- 3.3.13 [Added by Motion] That the color of the exterior paint be approved by Staff.
- 3.3.14 [Added by Motion] That the landscaping is approved by Staff.

Mr. Meldrum suggested that there needed to be a condition added for landscaping. Also a comment that approval is subject to City Council approval of the zoning and general plan amendments.

Commissioner Cochran asked that the access that needs to be closed be addressed. Mr. Meldrum showed on the image where the access presently exists. 7:53:00

- 3.4 **APPLICANT ADDRESS:** Bruce Powell. Mr. Powell gave background on Pappy's family-run business indicating that it had been operational for the last 20 years in Midvale, Utah. It is his hope to move the business to Taylorsville. 7:54:37 He wants to give everyone an RV experience and wants to attract high end customers. He advised that it is to their advantage to clean up the property and make everyone happy. However, being that it is a small family run company, it may take a little time to clean up the property. Commissioner Fink wanted to know if the clean up process included re-doing the exterior paint and Mr. Powell said that they would prioritize the issues and right now the parking lot is the number one priority. Commissioner Fink asked if he had chosen a color and Mr. Powell said that they were leaning towards browns and grays. Commissioner Barbieri commented that there needed to be landscaping added along Redwood Road in order to meet the City Ordinance requirements. Mr. Powell advised that it is a major concern for them to make the location look as nice as possible. Commissioner Jensen wanted to know if they would be closing their other location when this one opens and Mr. Powell replied in the affirmative. Commissioner Kehl asked Mr. Powell if he had a chance to read all of Staff's Recommendations and Mr. Powell replied that he had not but that Mr. Meldrum had apprised him of their content and he was in agreement with those conditions. (8:00)
- 3.5 **DISCUSSION:** None
- 3.6 **SPEAKING:** Doug Shupe - 8:03:14. Mr. Shupe commented that he would prefer a permanent 6' high fence across that access. He was opposed to having a gate which would allow access through the neighborhood. Commissioner Barbieri advised that one of the recommendations made by Staff says, "The access on the west side of the property must be permanently closed". Commissioner Fazzini added that if there is a gate allowed, unless there is a very large turn around inside the parking lot, the Fire Department would want a gate there with a knox box so the Fire Department can open it if necessary
- 3.7 **DISCUSSION:** Commissioner Fink closed the public hearing portion of this meeting and opened it up to the Commission for discussion or a motion. Commissioner Kehl commented that he personally felt that the way it is written up works as long as there is included the assurance about the landscape and painting being completed. He recommended that the motion would state that Staff looks at the color palette and between the City and the applicant decides if it meets the ordinance. He felt that color would make a big difference on that building. He personally would like to see the fence moved back the 15' because the sidewalk with the gravel, etc., in front, is an eyesore. There are transformers, etc., through there. He could not see how that could be improved but he felt it would be more attractive if where the retaining wall is, start there and go 15' back. Then there would be fence, then would be parking part of the display and be a vast improvement. Commissioner Fink said that the ordinance states there must be a berm, with trees every 25'. Mr. Meldrum said that he had so advised the applicant.
- 3.8 **MOTION:** 8:15:05 Commissioner Barbieri - I make a recommendation that the Planning Commission grants preliminary non-administrative conditional use approval for File 39C12, with Staff Recommendations 1 through 10. Adding #11 that this would be contingent upon City Council approval of the zone change and the land use amendment. Adding #12 to landscape first the first 15' from the property line backward according to the ordinance. Adding #13, color paint of the exterior be approved by Staff. Commissioner Kehl - Commissioner Barbieri, what do you think about adding that the landscaping could also be approved by Staff. Commissioner Barbieri - That will work. Commissioner Jensen - Do we have Fire Department approval regarding the gate? Mr. Meldrum - I have not yet received their recommendation. Commissioner Jensen - Is that covered in this current requirement? Mr. Meldrum - Yes.
SECOND: Commissioner Fazzini
DISCUSSION: Commissioner Kehl - May I ask the applicant a question? Commissioner Fink - Go ahead. Commissioner Kehl - What is meant by a "little time"? Mr. Powell - The problem right now is the landscaping probably cannot be completed until Spring. Regarding the paint, I will have to get some bids on the paint and see exactly what kind of cost that will entail. I am working on a very tight budget. Commissioner Kehl - We don't want to have to come back in a couple of months and find nothing has been done. Mr. Powell - I will be out there with my paint brush doing it myself if necessary. Commissioner Kehl - It would be better if we could put some type of time wise stipulation on it. Commissioner Fink - How about six months on the paint and a year on

installing the landscaping? Mr. Powell - Would it be okay to swap those to get the landscaping in within six months and the painting done within the year. Commissioner Fink – That will be okay.

VOTE					
Commissioner	Vote	Commissioner	Vote	Commissioner	Vote
Faurschou	Excused	Fink	Chair	Grossman	AYE
Kehl	AYE	Jensen	AYE	Cochran	AYE
Fazzini	AYE	Barbieri	AYE		
Motion passes 6 to 0					

4. General Plan Discussion - Mark McGrath/Director of Community Development

- 4.1 Mr. McGrath presented this item. He reviewed with the Commission the proposed verbiage of the chapters in the general plan and went over the anticipated schedule for hearings. More information will be forthcoming. [8:16:22](#)

OTHER BUSINESS: None.

CITY COUNCIL MEETING DISCUSSION: [8:27:43](#) - Commissioner Jensen attended the last City Council meeting and went over the items discussed during that meeting.

ADJOURNMENT: By motion of Commissioner Cochran, the meeting was adjourned at 8:38 p.m.



Respectfully submitted by Jean Gallegos
Administrative Assistant/Recorder for the Planning Commission

Approved in meeting held on Feb 12, 2013